

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

EVERETT SANDERS

PLAINTIFF

VS.

NO.: 5:17-cv-99-KS-MTP

**CITY OF NATCHEZ, MISSISSIPPI,
DARRYL GRENNELL, individually and
in his official capacity as Mayor of
Natchez, Mississippi; SARAH CARTER-
SMITH, individually and in her official
capacity as an Alderman of the City of
Natchez; DAN DILLARD, individually
and in his official capacity as an
Alderman of the City of Natchez;
BENJAMIN DAVIS, individually and in
his official capacity as an Alderman of
the City of Natchez; and JOHN DOES**

DEFENDANTS

MOTION FOR CONTEMPT OF COURT

Defendant City of Natchez, Mississippi, and Defendants Darryl Grennell, Sarah Carter-Smith, Dan Dillard, and Benjamin Davis, each in his or her individual and official capacity (collectively referred to as “Defendants”), file this Motion for Contempt of Court seeking an Order finding Plaintiff Everett Sanders (“Plaintiff”) in contempt of this Court’s [58] Order requiring him to produce redacted copies of his tax returns for tax year 2017 by November 19, 2018. As a result of Plaintiff’s contempt, Defendants seek sanctions in the form of (1) an adverse instruction to the jury prohibiting Plaintiff from obtaining an award of damages—provided he establishes a right to an award of damages—for the year 2017, and (2) an award of fees and costs related to Plaintiff’s failure to respond to Defendants’ discovery requests which required production of his tax returns.

1. Plaintiff's lawsuit includes claims under both federal and state law. In particular, he advances a claim of race discrimination under Title VII and 42 U.S.C. § 1981, and state law claims for defamation, conspiracy, and breach of contract. Defendants are entitled to summary judgment on all of the claims.

2. The contemporaneously filed supporting Memorandum explains in detail why an adverse instruction should be given to the jury prohibiting Plaintiff from obtaining an award of damages—provided he establishes a right to an award of damages—for the year 2017. The Memorandum also explains why Defendants should be awarded fees and costs related to Plaintiff's failure to respond to Defendants' discovery requests which required production of his tax returns. In addition, Defendants offer the following exhibits:

Exhibit "A" – Nov. 28, 2018, Email Correspondence between N. Morisani and L. Blackmon.

For the reasons articulated in the accompanying Memorandum, Defendants respectfully request that the Court grant this Motion, find Plaintiff in contempt of this Court's orders, and award sanctions in the form of (1) an adverse instruction to the jury prohibiting Plaintiff from obtaining an award of damages—provided he establishes a right to an award of damages—for the year 2017, and (2) an award of fees and costs related to Plaintiff's failure to respond to Defendants' discovery requests which required production of his tax returns.

Dated: December 14, 2018.

Respectfully submitted,

PHELPS DUNBAR, LLP

BY: /s/ Nick Morisani

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I, Nick Morisani, do hereby certify that I have this date electronically filed this Motion with the Clerk of the Court using the CM/ECF system, which sent notification to the following counsel of record:

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Dated: December 14, 2018.

/s/ Nick Morisani

Nicholas F. Morisani